

**As Reported by Senate Ways and Means Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 11**

**Representative Scherer**

**Cosponsors: Representatives Schaffer, Rogers, Blessing, Hambley, Henne, Retherford, Anielski, Antonio, Ashford, Barnes, Boyd, Craig, Dever, Ginter, Green, Holmes, Householder, Johnson, T., McColley, Miller, O'Brien, Patterson, Patton, Reineke, Riedel, Ryan, Seitz, Smith, R., Sprague, Sweeney, Thompson, Wiggam, Young, Speaker Rosenberger**

**Senators Eklund, Williams, Terhar, Beagle, Peterson, Wilson**

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**A BILL**

To amend section 5701.11 of the Revised Code to 1  
expressly incorporate changes in the Internal 2  
Revenue Code since February 14, 2016, into Ohio 3  
law and to declare an emergency. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5701.11 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 5701.11.** The effective date to which this section 7  
refers is the effective date of this section as amended by ~~S.B.~~ 8  
~~2-H.B. 11~~ of the ~~131st~~-132nd general assembly. 9

(A) (1) Except as provided under division (A) (2) or (B) of 10  
this section, any reference in Title LVII of the Revised Code to 11  
the Internal Revenue Code, to the Internal Revenue Code "as 12  
amended," to other laws of the United States, or to other laws 13  
of the United States, "as amended," means the Internal Revenue 14

Code or other laws of the United States as they exist on the 15  
effective date. 16

(2) This section does not apply to any reference in Title 17  
LVII of the Revised Code to the Internal Revenue Code as of a 18  
date certain specifying the day, month, and year, or to other 19  
laws of the United States as of a date certain specifying the 20  
day, month, and year. 21

(B) (1) For purposes of applying section 5733.04, 5745.01, 22  
or 5747.01 of the Revised Code to a taxpayer's taxable year 23  
ending after ~~April 1, 2015~~ February 14, 2016, and before the 24  
effective date, a taxpayer may irrevocably elect to incorporate 25  
the provisions of the Internal Revenue Code or other laws of the 26  
United States that are in effect for federal income tax purposes 27  
for that taxable year if those provisions differ from the 28  
provisions that, under division (A) of this section, would 29  
otherwise apply. The filing by the taxpayer for that taxable 30  
year of a report or return that incorporates the provisions of 31  
the Internal Revenue Code or other laws of the United States 32  
applicable for federal income tax purposes for that taxable 33  
year, and that does not include any adjustments to reverse the 34  
effects of any differences between those provisions and the 35  
provisions that would otherwise apply, constitutes the making of 36  
an irrevocable election under this division for that taxable 37  
year. 38

(2) Elections under prior versions of division (B) (1) of 39  
this section remain in effect for the taxable years to which 40  
they apply. 41

**Section 2.** That existing section 5701.11 of the Revised 42  
Code is hereby repealed. 43

**Section 3.** This act is hereby declared to be an emergency 44  
measure necessary for the immediate preservation of the public 45  
peace, health, and safety. The reason for such necessity is to 46  
enable taxpayers to avoid making miscellaneous adjustments on 47  
their 2016 tax returns that increase tax liabilities. Therefore, 48  
this act shall go into immediate effect. 49